

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., ET AL.,

Defendants.

CIVIL ACTION NO.: 1:21-CV-11181-DPW

**DEFENDANT STEVE KRYSTEK'S
MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

NOW COMES defendant Steve Krystek (Krystek) and pursuant to Rule 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure hereby moves for dismissal as to all claims set forth in the amended complaint. As more fully set forth in the accompanying memorandum of law, action is premised on the criminal conduct of former eBay security team members undertaken as to Natick residents Ira and David Steiner as well as Steiner Associates, LLC, a publisher of an ecommerce newsletter. Defendants include numerous individuals as well as eBay and Progressive F.O.R.C.E. Concepts, LLC (PFC). PFC is a Nevada based company and was an independent contractor providing certain security services to eBay, including providing one of the individual defendants, Veronica Zea, to eBay who worked out of eBay's California office and as an eBay analyst in its GIC, or Global Intelligence Center. Steve Krystek is the CEO of PFC.

The Amended Complaint contains 10 counts as to “All Defendants” but only one that specifically refers to Krystek¹, each a claim under the state law of either Massachusetts or California. Plaintiffs do not adequately plead a connection or nexus between Krystek and Massachusetts sufficient to establish this court’s jurisdiction over him. Despite the length of the Amended Complaint and the graphic underlying conduct of eBay’s individual security team members taken from the findings of the criminal investigation, the allegations as to Krystek are sparse, conclusory, and insufficient to impose any vicarious or other liability upon PFC. The only Count that specifically references Krystek, Negligent Supervision, fails as a matter of law because the entire factual underpinning of this Count is the allegation that Krystek was aware Zea used her PFC credit for expenses related to legal activities, namely dining and visiting a strip club. Zea gave no warning as to the actions she took against the Steiners, and there is therefore no basis for a negligent supervision claim. The remaining claims appear to rest on the conclusory and baseless allegation that Krystek approved or supported the bad acts of other individual defendants.

The allegations as to Krystek are repetitive, vague, and conclusory; there is almost no detail provided, and what detail there is does not remotely approach establishing a viable claim, or any involvement whatsoever in eBay’s alleged “campaign of terror” against the Steiners. Plaintiffs fail to allege that Krystek even knew who the Steiners were prior to the series of events alleged in the Amended Complaint, much less that Krystek was involved in or even knew about any actions directed towards the plaintiffs. Crucially, there are no allegations that would establish the Court has jurisdiction over Krystek; there are no minimum contacts or purposeful availment alleged. Accordingly, this matter should be dismissed as to Krystek.

¹ Count VI (Negligent Supervision).

WHEREFORE, defendant Steve Krystek respectfully requests that his Motion to Dismiss be ALLOWED.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Steve Krystek respectfully requests oral argument in connection with this Motion to Dismiss. The motion raises significant questions about whether the complaint has adequately stated certain claims upon which relief can be granted as well as whether there is personal jurisdiction over Krystek. Oral argument will allow the parties to address this issue fully and to respond to any questions the Court may have.

Respectfully submitted,
Krystek,
By His Attorneys,

/s/ Tory A. Weigand

Tory A. Weigand, BBO #548553
tweigand@morrisonmahoney.com
Matthew J. Holmes, BBO #675994
mholmes@morrisonmahoney.com
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on 4/28/2023.

/s/ Tory A. Weigand

Tory A. Weigand